

Application No.: 10/530,311  
Amendment Dated: June 26, 2009  
Reply to Office Action of: March 30, 2009

YAO-4367US

**Remarks/Arguments:**

Claims 1-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Akiyama (US 5,166,922). It is respectfully submitted, however, that the claims are patentable over the art of record for the reasons set forth below.

Amended claim 1 recites at least the feature of:

... wherein the locking portion locks the shutter member using the shutter driving spring,

the shutter member includes a spring engagement portion to be engaged with the shutter driving spring, and the shutter member and the shutter driving spring slide in the spring engagement portion at a substantially right angle with respect to a direction of a movement of the shutter member in a closing state in which the shutter member closes the opening. (emphasis added)

Support for the above amendment can be found in at least Applicants' pending claims 2 and 6, Applicants' Fig. 6, and the corresponding descriptions in Applicants' paragraphs [0081] and [0105] - [0108] of Applicants' publication. No new matter has been added.

Akiyama is considered by the Examiner as shown in point 8 of the Office Action to include a spring engagement portion which is engaged with a shutter driving spring.

However, the spring engagement portion of Akiyama cannot be configured to allow the shutter member and the shutter driving spring to slide in the spring engagement portion at a substantially right angle with respect to a direction of a movement of the shutter member in a closing state in which the shutter member closes the opening, as per the pending claim language.

In fact, the configuration of the engagement mechanism between the spring engagement portion of Akiyama and the tip portion of the shutter driving spring 23a of teaches away from the presently claimed configuration. As evidenced in col. 8, lines 28-44 of Akiyama, "the bent and 23a thereof is always held in the insertion hold 35 so as not to be disconnected therefrom ... the above structure of the connecting

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portion between the bent and 23a thereof and the front end of the slider 14 permits the bent and 23a to be reliably held in the insertion hole even if the coil spring is moved abruptly and the disc cartridge is dropped to be subjected to an impact force." Therefore, it should be clear that the shutter driving spring in Akiyama is configured not to slide in the spring engagement portion.

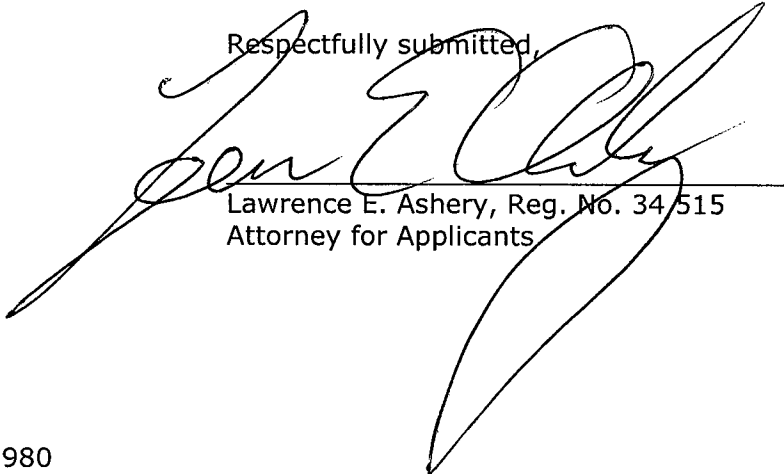
Accordingly, Akiyama cannot achieve a simple structure with fewer parts and therefore, with reduced cost of production and a higher reliability. In fact, Akiyama requires a separate independent looking mechanism as illustrated in Fig. 22.

This is different from Applicants' claimed invention, which is able to advantageously facilitate the reduction of the thickness of the engagement portion of the shutter member and the cartridge body and accordingly, the size of an optical pickup for recording information on or reproducing information from the disc housed in the disc cartridge can be reduced leading to significant miniaturization of the optical disc apparatus (See Applicants' publication, paragraph [0191]). Accordingly, claim 1 is patentable over the art of record.

Applicants' dependent claims are patentable by virtue of their dependency on allowable claim 1.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
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